

HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STUART REGES,

Plaintiff,

v.

ANA MARI CAUCE, et al.,

Defendants.

CASE NO. 2:22-cv-00964-JHC

NOTE ON MOTION CALENDAR:
August 14, 2023

STIPULATED MOTION TO AMEND SCHEDULING ORDER

1. As permitted by Fed. R. Civ. P. 16(b)(4) and LCR 10(g) and the Court's Minute Order Setting Trial Date and Related Dates ("Scheduling Order"), ECF No. 39, the parties jointly move the Court to amend the Scheduling Order. The Court may, by order and for good cause, amend a scheduling order. Fed. R. Civ. P. 16(b)(4). "Rule 16(b)'s 'good cause' standard primarily considers the diligence of the party seeking the amendment." *Rain Gutter Pros, LLC v. MGP Mfg., LLC*, No. C14-0458 RSM, 2015 WL 6030678, at *1 (W.D. Wa. Oct. 15, 2015) (citing *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992)).

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FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION
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2. Good cause exists for amending the Scheduling Order because: (1) Plaintiff filed and served his Amended Complaint on August 1, 2023 and Defendants anticipate submitting a motion to dismiss no later than September 1, 2023; (2) Plaintiff's lead counsel was on medical leave from July 25, 2023 to August 7, 2023; (3) another member of Plaintiff's counsel team is on parental leave until September 5, 2023; (4) an attorney has been added to Plaintiff's counsel team as of August 8, 2023; (5) the parties, although diligently engaging in discovery, are investigating potentially outstanding written discovery and working to schedule additional depositions; (6) a modest extension of approximately 30 days to the unexpired deadlines will provide the parties sufficient time to complete discovery in a manner that serves the interests of justice; and (7) the requested extension will allow new and returning members of Plaintiff's counsel team to thoroughly understand the facts and claims of this case.

3. The parties have diligently conducted discovery in this matter, and continue to do so.

4. Having shown good cause, and given the parties' diligence in requesting an amendment one week after Plaintiff's lead counsel returned from medical leave, the parties request that the Court grant their Stipulated Motion to Amend the Order Setting Trial and Related Dates, extending the deadlines in the Scheduling Order, ECF No. 39, to those proposed in ¶ 5.

5. The parties move for the following amendments to the scheduling order:

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- Jury Trial Date March 18, 2024
- Deadline for amended pleading July 17, 2023
- Disclosure of expert testimony under Fed. Rule Civ. P. 26(a)(2) July 17, 2023
- All motions related to discovery must be filed by (LCR 7(d)) September 15, 2023
- Discovery completed by October 16, 2023
- All dispositive motions and motions challenging expert witness testimony must be filed by (LCR 7(d)) November 17, 2023
- Settlement conference held no later than January 12, 2024
- All motions in limine must be filed by February 2, 2024
- Agreed pretrial order due February 23, 2024
- Deposition Designations must be submitted to the Court (not filed on CM/ECF by (LCR 32(e)) February 26, 2024
- Pretrial conference to be held at 1:30 pm on March 4, 2024
- Trial briefs, proposed voir dire, jury instructions by March 11, 2024

Respectfully submitted,

DATED: August 14, 2023

By: /s/ Gabriel Walters

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CERTIFICATE OF SERVICE

Plaintiff's counsel confirms that a true and correct copy of the foregoing was served by the Court's electronic filing system on August 14, 2023. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated below and parties may access this filing through the Court's electronic filing system.

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Dated: August 14, 2023

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